

1. Amend Section 63-405 to read:
2. Post-Hearing: Amend Section 63-405 to read:

63-405 CITIZENSHIP OR ELIGIBLE NONCITIZEN STATUS (Continued) 63-405

- .1 A noncitizen who is a lawful resident of the U.S. and meets any of the following requirements is eligible for participation in the federal Food Stamp Program (FSP):

~~Section 63-405.11 qualified noncitizen and Section 63-405.12 time limited eligibility (7 year limit)~~

~~or~~

Section 63-405.11 qualified noncitizen and Section 63-405.13~~2~~ Indefinite Eligibility (Continued)

~~.12 TIME LIMITED FOOD STAMP ELIGIBILITY CRITERIA. The following noncitizens are only eligible for seven years after admitted or granted status and must be one of the qualified noncitizens as specified in Section 63-405.11.~~

~~.121 A refugee admitted under Section 207 of the INA.~~

~~.122 An asylee granted asylum under Section 208 of the INA.~~

~~.123 Had deportation withheld under Section 243(h) of the INA before April 1, 1997, or under Section 241(b)(3) of the INA, on or after April 1, 1997.~~

~~.124 A Cuban or Haitian entrant granted status under Section 501(e) of the Refugee Education Assistance Act of 1980, or;~~

~~.125 An Amerasian immigrant admitted under Section 584 of Public Law 100-202, as amended by Public Law 100-461.~~

.13~~2~~ INDEFINITE FOOD STAMP ELIGIBILITY CRITERIA. The following noncitizens are eligible indefinitely, provided they are one of the qualified noncitizens specified in Section 63-405.11: (Continued)

.13~~2~~1 (Continued)

.13~~2~~2 (Continued)

.13~~2~~3 (Continued)

.13~~2~~4 (Continued)

.13~~2~~5 (Continued)

.1326 Has lawfully resided in the U.S. for five years beginning on the date of entry.

HANDBOOK BEGINS HERE

- (a) The five-year period begins on the date the immigrant obtains status as a qualified non-citizen through the INS. In cases where the INS grants qualified status retroactively, the CWD shall use the date that INS grants qualified status. For example, a non-citizen enters the country on January 1, 1996, but INS does not complete paperwork until January 1, 1997, and subsequently grants qualified status effective January 1, 1996. The CWD shall begin counting the five-year qualifying period on January 1, 1996.

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.2 (Continued)

Authority Cited: Sections 10553, 10554, and 18904, Welfare and Institutions Code.

Reference: Sections 10554 and 18904, Welfare and Institutions Code; 7 Code of Federal Regulations (CFR) 273.2(f)(1)(ii)(B)(2), (j)(3) and (4); 7 CFR 273.4(a)(2), (a)(4)(ii) and (iii), (a)(5)(ii)(2)(B) and (2)(G)(1), (C), (E), (F) and (G)(1), (a)(8), and (c)(2)(i); 7 CFR 273.10(b); 7 CFR 273.6; 7 CFR 273.11; U.S.D.A. Food and Nutrition Service Administrative Notice (AN) 92-30; Federal Register, Vol. 56, No. 233, page 63594; Federal Register, Vol. 62, No. 202, dated October 20, 1997; Public Law (P.L.) 100-202 and 100-461, P.L. 104-193, Section 402 (Personal Responsibility and Work Opportunity Reconciliation Act of 1996); P.L. 105-185, Title V, Sections 503 through 510; P.L. 107-171, Title IV, Section 4401; AN 96-47; AN 96-48 (Part A, page 6); AN 96-55; AN 97-02; AN 97-13; AN 97-44; AN 97-82; AN 97-103; AN 97-107; AN 98-13; AN 98-21; AN 98-28; AN 98-30; AN 98-79; AN 98-93; AN 99-01; AN 99-24, ~~and~~ AN 03-04, and AN 03-17.